

REMARKS

Claims 18-35, of which claims 18, 21, 24, 27, 30 and 33 are independent claims, currently remain in the application. Claims 1-17 have been cancelled. No claims are herein amended.

Regarding the matter of Paragraph 3 of the Official Letter, applicant hereby affirms that the joint inventors named in the present application were each under the obligation to assign every right regarding the base invention hereof to the assignee throughout the period of time relevant to this application.

Claims 18-35 were rejected in Paragraph 4 of the Official Letter under 35 U.S.C. 103 as being obvious over Admitted Prior Art (APA) in view of Okazaki. Independent claims 18, 21, 24, 27, 30 and 33 were earlier amended in part in response to the Examiner's rejection so as to now say clearly that the top electrode is free of Ti. To explain more in particular, one of the objects of the present invention has been to do away with the use of Ti in the electrode. This motivation should be clear to the reader of the Background section of the application document, and in particular in page 3 at lines 1-2, and also the paragraph in the Summary section starting at line 16 of page 6.

The Examiner is requested to review more carefully the amendments effected in said earlier filed Amendment "B" and the arguments presented therein. In Paragraph 5 of the Official Letter, the Examiner alleges that applicant stated that one of the objects of the present invention has to do with the use of free Ti in the electrode, but this is totally contrary to what applicant actually said. What applicant said is, instead, as the Examiner can ascertain by reviewing Amendment "B", that the electrode according to this invention is free of Ti. Does the Examiner know what "anything being free of anything" means? For example, a person free of vice is a person without any vice, not a person who freely commits acts of vice. An electrode free of Ti is an electrode containing no Ti, in free form or in a compound form. The Examiner should have realized the mistake in his reading because applicant also said in the REMARKS section of Amendment "B" that the invention aims to "do away with the use of Ti." Does the Examiner know what "do away with the use of something" means? It means not to use that thing.

With the amended claims and the REMARKS section properly understood.

applicant is sure that the Examiner will realize the error in rejecting the claims because none of the cited references discloses or even hints at the use of an electrode free of Ti, that is, not containing Ti in any form. The Examiner is requested to read the REMARKS section of Amendment "B" again with the expression "free of Ti" properly understood. Applicant will not repeat the same argument here again.

Respectfully submitted,



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